

## REGISTER OF CLASSIFICATION DECISIONS

<b>Title of Publication:</b>	Hustler Barely Legal December 2005
<b>Other Known Title:</b>	Hustler Barely Legal December 2005 Vol 13 No 4
<b>Format:</b>	Magazine
<b>Director/Author:</b>	Not Applicable
<b>Producer/Publisher:</b>	LFP Inc.
<b>Country of Origin:</b>	USA
<b>Language:</b>	English
<b>Applicant:</b>	Comptroller of Customs
<b>Distributor:</b>	Nauti Nik Naks
<b>Classification:</b>	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
<b>Descriptive Note:</b>	Not Applicable.
<b>Display Conditions:</b>	<p>That when the publication is on public display, the classification given to the publication must be shown by way of a label issued in accordance with a direction under section 36A(2);</p> <p>and</p> <p>That the label must be affixed to the package in which the publication is displayed so that the classification is brought to the attention of purchasers;</p> <p>and</p> <p>that the publication must be publicly displayed only in a sealed package.</p>
<b>Date of entry in Register:</b>	09 August 2006
<b>Date of direction to issue a label:</b>	07 August 2006
<b>OFLC No:</b>	601154

**Excisions:** Not Applicable

**Reasons for excisions:**

Not Applicable

**Summary of reasons  
for classification:**

The magazine entitled *Hustler Barely Legal December 2005* is classified as:  
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

A restriction on the publication's availability is necessary because of the publication's explicit depictions of sexual activity and sexualised nudity. The publication is a magazine, published in the USA, and consists predominantly of photo-features of young women, naked or semi-naked, displaying themselves sexually for the reader.

This particular magazine comes very close to, but does not meet, the test of promoting or supporting, or tending to promote or support, the exploitation of young persons for sexual purposes. The magazine concentrates on the sexual characteristics of young women, as is obvious from the title. However, the age of the models is clearly 18 or over. The magazine is careful to avoid describing or depicting young persons. The text also carefully specifies in each story that the model is 18 years or over. In this instance this is sufficient to outweigh and negate those smaller parts of the magazine which are suggestive of the idea of sexual conduct with or between teenagers or young persons.

Some of the magazine's contents, particularly the advertisements, degrades, dehumanises and demeans women. These degrading, dehumanising and demeaning elements are not strong enough to cause the publication to be classified objectionable, particularly when the dominant effect is taken into account. The restriction of the magazine to adults is a reasonable limit on the rights and freedoms set out in the New Zealand Bill of Rights Act 1990. This is the least restrictive classification that could be applied, as the potential injury of this publication's unrestricted availability is due to the sustained, explicit depictions of sexual activity which are likely to disturb children and to influence young people's attitudes. Although adults are considered likely to be able to put the degrading, demeaning and dehumanising elements of the publication into context, this is due to experience and maturity which teenagers and children are unlikely to possess. Therefore the publication is restricted to an audience aged 18 years of age and over.